

**DECLARATION FOR PATENT APPLICATION**  
**English Language Declaration**

As a below-named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe that I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled:

**APPARATUS AND METHODS FOR  
MEASURING REACTION BYPRODUCTS**

the specification of which was filed on July 18, 2003 as U.S. Patent Application Serial No. 10/623,483.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including, for continuation-in-part applications, material information that became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application that designated at least one country other than the United States of America, listed below, and also have identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Claimed?	Certified Copy Attached?

**DIRECT COMMUNICATIONS TO:**

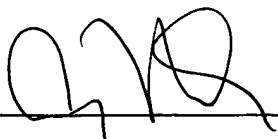
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or first joint inventor: ANDY C. NEILSON

Inventor's signature:  \_\_\_\_\_

Date: 11-13-03

Residence: 532 Chicopee Row, Groton, Massachusetts 01450

Citizenship: United States of America

Post Office Address: 532 Chicopee Row, Groton, Massachusetts 01450

Full name of second joint inventor, if any: MICHAEL R. SWEENEY

Inventor's signature:  \_\_\_\_\_

Date: 11/13/03

Residence: 50 Longview Circle, Pelham, New Hampshire 03076

Citizenship: United States of America

Post Office Address: 50 Longview Circle, Pelham, New Hampshire 03076



**POWER OF ATTORNEY,  
STATEMENT UNDER 37 C.F.R. § 3.73(b), and  
ASSERTION OF RIGHT UNDER 37 C.F.R. § 3.71 AND MPEP § 106**

Applicants: Andy C. Neilson and Michael R. Sweeney  
 Serial No.: 10/623,483  
 Filed: July 18, 2003  
 Title: APPARATUS AND METHODS FOR MEASURING REACTION BYPRODUCTS

Thermogenic Imaging, Inc., a Delaware corporation, hereby appoints the practitioners at Kolisch Hartwell, P.C., USPTO Customer No. 23581, as its attorneys and agents to prosecute the above-identified patent application and to transact all business in the United States Patent and Trademark Office connected therewith. These practitioners currently include:

J. Pierre Kolisch, Reg. No. 15,802; John M. McCormack, Reg. No. 26,948; Peter E. Heuser, Reg. No. 27,902; David P. Cooper, Reg. No. 33,372; Pierre C. Van Rysselberghe, Reg. No. 33,557; Walter W. Karnstein, Reg. No. 35,565; Charles H. DeVoe, Reg. No. 37,305; David S. D'Ascenzo, Reg. No. 39,952; Owen W. Dukelow, Reg. No. 41,002; James R. Abney, Reg. No. 42,253; Mark D. Alleman, Reg. No. 42,257; M. Matthews Hall, Reg. No. 43,653; Christopher S. Tuttle, Reg. No. 41,357; B. Anna McCoy, Reg. No. 46,077; David E. Hall, Reg. No. 51,172; Ellen M. Gonzales, Reg. No. 44,128; Jason C. Creasman, Reg. No. 51,587; Edward B. Anderson, Reg. No. 30,154; John D. Russell, Reg. No. 47,048; Peter D. Sabido, Reg. No. 50,353; Stanley M. Hollenberg, Reg. No. 47,658; Anton E. Skaugset, Reg. No. 38,617; and Daniel L. Murphy, Reg. No. 41,210.

Thermogenic Imaging, Inc. states, under 37 C.F.R. § 3.73(b), that it is the assignee of the entire right, title, and interest in the above-identified patent application by virtue of an assignment from each of the inventor(s) named in the above-identified patent application. Copies of assignments or other documents in the chain of title are attached.

Thermogenic Imaging, Inc. hereby asserts its right, under 37 C.F.R. § 3.71 and MPEP § 106, to conduct the prosecution of the above-identified patent application to the exclusion of the named inventor(s) and any previous assignee(s).

**DIRECT COMMUNICATIONS TO:**

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The undersigned (whose title is supplied below) is authorized to act on behalf of the above-identified assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

THERMOGENIC IMAGING, INC.

Date: 11-12-03

Name: Jay S. Teich

Title: CEO

COPY

ASSIGNMENT

WHEREAS, we, Andy C. Neilson of Groton, Massachusetts, and Michael R. Sweeney of Pelham, New Hampshire, have invented certain improvements in APPARATUS AND METHODS FOR MEASURING REACTION BYPRODUCTS, for which we filed U.S. Patent Application Serial No. 10/623,483 on July 18, 2003; and

WHEREAS, Thermogenic Imaging, Inc., a Delaware Corporation, having its principal place of business in North Billerica, Massachusetts, is desirous of acquiring an interest therein;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, we, Andy C. Neilson and Michael R. Sweeney, have sold, assigned, and transferred, and do hereby sell, assign, and transfer, to Thermogenic Imaging, Inc., its successors and assigns, the full and exclusive right to the invention in the United States and its territorial possessions and in all foreign countries, and the entire right, title, and interest in and to any and all Letters Patent that may be granted therefor in the United States and its territorial possessions and in any and all foreign countries, and in and to any and all divisions, continuations, reissues, substitutions, and extensions thereof.

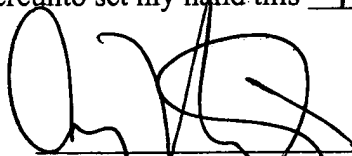
We hereby authorize and request the Patent Office officials in the United States and any and all foreign countries to issue any and all of said Letters Patent, when granted, to Thermogenic Imaging, Inc., as the assignee of our entire right, title, and interest in and to the same, for the sole use of Thermogenic Imaging, Inc., and its successors and assigns.

Further, we hereby covenant and agree to and with Thermogenic Imaging, Inc., and its successors and assigns, at the time of execution and delivery of these presents, that we are


the sole and lawful owner of the entire right, title, and interest in and to the invention and the above-identified patent application, and that the same are unencumbered, and that we have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

Further, we agree that we will communicate to Thermogenic Imaging, Inc., or its representatives, any facts known to us respecting the invention, and testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, reissue, substitution, and extension applications, execute all necessary assignment papers to cause any and all of said Letters Patent to be issued to Thermogenic Imaging, Inc., make all rightful oaths, and generally do everything possible to aid Thermogenic Imaging, Inc., and its successors and assigns, to obtain and enforce proper protection for the invention in the United States and in any and all foreign countries.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 12<sup>th</sup> day of November, 2003.

  
\_\_\_\_\_  
ANDY C. NEILSON

Witness:

Signature: 

Name: Pamela S. Michaud

Address: 344 Sladen Street

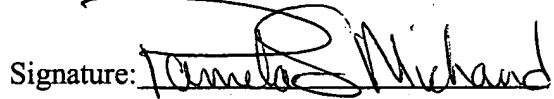
City & State: Dracut, MA 01826

IN TESTIMONY WHEREOF, I have hereunto set my hand this 12<sup>th</sup> day of  
November, 2003.

  
MICHAEL R. SWEENEY

Witness:

Signature:



Name:

Pamela S Michaud

Address:

344 Sladen Street

City & State:

Dracut, MA 01826